

1 IN THE UNITED STATES DISTRICT COURT  
2

3 FOR THE DISTRICT OF ALASKA  
4

5 THE UNITED STATES for the use of )  
6 GMW Fire Protection, Inc., an Alaska )  
7 Corporation, )  
8 )  
9 Plaintiff, )  
10 )  
11 vs. )  
12 )  
13 KANAG'IQ CONSTRUCTION CO., )  
14 INC., an Alaska Corporation, and )  
15 WESTERN SURETY COMPANY, a )  
16 South Dakota Corporation, )  
17 )  
18 Defendants. ) Case No. A05-170 CI (TMB)  
19 )  
20 )  
21 )  
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23 )  
24 )  
25 )

12 **REPLY TO PLAINTIFF'S QUALIFIED NON-OPPOSITION TO**  
13 **MOTION TO ALTER OR AMEND A JUDGMENT RE ATTORNEY'S FEES**

14 Defendants, KANAG'IQ CONSTRUCTION CO., INC. and WESTERN SURETY  
15 COMPANY, by and through their attorneys, Eide & Gingras, P.C., reply to Plaintiff's  
16 Qualified Non-Opposition to Defendants' Motion to Alter or Amend a Judgment Re  
17 Attorney's Fees. First, GMW's "non-opposition" is actually an opposition with regard to  
18 costs assessed against the surety. Defendants' request to modify the judgment was with  
19 regard to costs and fees assessed against Western. Defendants maintain their position that  
20 GMW cannot recover costs against Western for the reasons set forth in the underlying  
21 motion. Second, Defendants' motion did not add any language regarding joint and several  
22 liability, and it is unclear why GMW is now attempting to insert that language into the  
23  
24  
25

Reply to Plaintiff's Qualified Non-Opposition to  
Motion to Amend a Judgment re Attorney's Fees

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1 judgment. Defendants object to amending the judgment other than as requested in the  
2 underlying motion, which is a request to correct the judgment to reflect that GMW cannot  
3 recover attorneys' fees and costs against Western.

4 DATED at Anchorage, Alaska this 17th day of July, 2008.

5 EIDE & GINGRAS, P.C.  
6 Attorneys for Defendants  
7 Kanag'Iq Construction Co., Inc. and  
Western Surety Company

8 By: s/Thomas S. Gingras  
9 Thomas S. Gingras  
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Alaska Bar No. 7811098

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14

15 **CERTIFICATE OF SERVICE**

16 I am a legal secretary employed by the law  
firm of Eide & Gingras, P.C. That on this  
17th day of July, 2008, I served

17 [x] Electronically

18 a true and accurate copy of the foregoing  
document upon the following counsel of record:

19 Sarah J. Tugman, Esq.  
20 2509 Eide Street, Suite 4  
Anchorage, AK 99503

21 EIDE & GINGRAS, P.C.

22 By /s/Donna Charter

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25 Reply to Plaintiff's Qualified Non-Opposition to  
Motion to Amend a Judgment re Attorney's Fees  
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